

No. 11(112)79-3Lab/10449. In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Anand Synthetics Ltd., Mathura Road, Faridabad :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 126 of 1977

between

SHRI SHANKER PANDIT WORKMAN AND THE MANAGEMENT OF M/S ANAND SYNTHETICS
LIMITED, MATHURA ROAD, FARIDABAD

Present.—

Shri R. N. Roy for the workman.

Shri O.P. Tyagi for the management.

AWARD

By order No. ID/FD/274-77/28662, dated 3rd August, 1977 the Governor of Haryana referred the following dispute between the management of M/s Anand Synthetics Limited, Mathura Road, Faridabad and its workman Shri Shanker Pandit, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Shanker Pandit was justified and in order?
If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. From the pleadings of the parties the following issues were framed on 5th January, 1978 :—

- (1) whether the demand had been espoused by a substantial number of workmen? If not, to what effect?
- (2) whether Mercantile Employees' Association can legally espouse the dispute of the concerned workman? If so, to what effect?
- (3) whether the workman concerned abandoned his employment of his own accord?
- (4) whether the termination of services of Shri Shanker Pandit was justified and in order? If not, to what relief is he entitled?

And the case was fixed for the evidence of the workman. The workmen examined their representative Shri R. N. Roy as WW-1 on issues number 1 and 2 which were tried preliminary. I had decided issues number 1 and 2 in favour of the workman,—vide my order, dated 20th February, 1978. Then the case was fixed for the evidence of the parties on issues number 3 and 4. WW-1 was examined as *ex parte* proceedings had been ordered against the management and the case had been fixed for *ex-parte* evidence of the workman. My order, dated 20th February, 1978 was *ex-parte*. Thereafter the management moved for setting aside *ex parte* order and proceedings which were set aside and the case was fixed for the evidence of the workman on issues number 1 and 2. WW-1 Shri R. N. Roy stated on 16th May, 1978 that his statement made on 20th February, 1978 was true and correct and which was his evidence. The statement of MW-1 made on 20th February, 1978 was read over to the representatives for the management and then the representative for the management cross-examined this witness. The workman closed his case in the said issues number 1 and 2. The management examined Shri K. B. Kumar, their Personnel Officer as WM-1 and closed his case. Arguments were heard on issues No. 1 and 2. Thereafter I decided issues No. 1 and 2 in favour of the workman,—vide my order dated 5th December, 1978. Then the case was fixed for the evidence of the management. The management then examined Shri Lalji Mishra Chowkidar, as MW-2 and Shri D. N. Tiwari their Time Keeper as MW-3 and Shri K. B. Kumar their Personnel Officer as MW-4 and Shri Mahabir Singh their Watchman as MW-5 and closed their case. Then the case was fixed for the evidence of the workman. The workman examined himself as WW-1 and closed his case. Then the case was fixed for arguments. Arguments were heard. Now I give my findings issuewise.

Issue No. 3.—MW-1 deposed that the security people gave same papers to the workman on 23rd November, 1976. The workman took away that papers and left away the factory and he did not turn up thereafter. MW-3 stated that the workman did not work in their factory since 23rd November, 1976. The workman was sleeping on the machine and the Dyeing Master had got a letter from him to that effect. He proved Ex. M-1. The workman was given that letter who took it away signed at point 'A' having received and left the factory

and never came thereafter. MW-4 stated that the workman had left the factory when he was found sitting on a machine stretching his feet thereon. He had got this information. The workman did not turn up thereafter. He enquired from the time office which confirmed the fact and then he told the Factory Manager. He also proved Ex. M-2 to M-6. MW-5 stated that he was posted on the main gate on 23rd November, 1976 from 3.00 p.m. to 11.00 p.m. and the workman did not appear at the gate at any time and the workman never came to the gates thereafter.

The workman stated that he had gone to the factory on 23rd November, 1976 to give food to his father at about 10.00 a.m. when a chowkidar asked him to see Sardarji. Sardarji asked him that why he was sleeping at night. The workman replied that he was pulling down the machine. Then Sardarji told him to sign a paper having something written on it telling the workman that Sardarji shall give him duty. The workman signed that paper. With that paper the workman went to Sardarji. Then Sardarji asked him to sign another paper. The workman refused to sign and thereafter Sardarji closed his gate. The workman was not allowed entry and was not taken on duty. The workman went several days at the gates to join duty but he was not taken on duty. The management wrote to the workman several letters asking him to join duty and he reported for duty but the management did not take him on duty and the workman was unemployed since then. The workman admitted his signatures on Ex. M-1. The workman asked Shri R. N. Roy to raise a demand for his reinstatement. The workman admitted his signatures on Ex. WW-1/A. at point A. The workman could not tell the contents of Ex. WW-1/A. Ex. M-1, dated 23rd November, 1976 is a warning to the workman as he was sitting carelessly on Beam Dyeing Machine stretching his feet. Ex. M-3, dated 23rd November, 1976 is a letter from the management to the workman asking him to report for duty immediately as he was not attending his duty without any information or permission. Ex. M-2 is a letter from the management to the workman to collect his dues as he has been deemed to have left his job as per the Standing Orders by remaining absent for more than 10 consecutive working days. Ex. M-4 is also the same of Ex. M-2. Ex. M-5 is a registered cover which was sent to the workman and which was returned undelivered. Ex. M-6 is extract from attendance register for the months of November and December, 1976. The workman is marked absent from 23rd November, 1976 till 12th December, 1976. There is ample evidence to prove that the workman remained absent from 23rd November, 1976 to 12th December, 1976 for about 20 days. It is more than 10 consecutive days. As per rule 14(b)(iv) of the Standing Order the workman has been deemed to have left the services of the management of his own accord. I, therefore, hold issue number 3 in favour of the management.

Issue No. 4.—Issue No. 4 has become redundant as it was not the management who had terminated the services of the workman. Rather it was the workman himself who abandoned his job of his own accord as per the above-said Standing Orders.

As a result of my findings on the issues, I quash the order of reference as it is not a case of termination of services of the workman by the management and while answering the reference, I give my award that the management did not terminate the services of the workman, rather the workman himself abandoned his job as per the above-said Standing Orders. The workman is not entitled to any relief.

Dated, the 10th August, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 799, dated 29th August, 1979

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)79-3Lab/10450.—In pursuance of the provisions of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the Management of M/s. (1) Murlidhar Ram-Narain Pachranga Achar Factory, Panipat, (2) Pachganga & Sons Corporation, Panipat :—

**BEFORE SHRI NATHU RAM SHARMA PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD**

Reference No. 197 of 1976

between

**THE WORKMEN AND THE MANAGEMENT OF M/S. (1) MURLIDHAR-RAM RARAIN
PACHRANGA ACHAR FACTORY PANIPAT, (2) M/S. PACHGANGA & SONS
CORPORATION, PANIPAT**

Present.—

Shri Raghubir Singh for the workmen.
Shri Surinder Kaushal for the management.

AWARD

By order No. ID/KNL/189-A-76/34536, dated 21st September, 1976, the Governor of Haryana referred the following dispute between the management of M/s. (1) Murlidhar-Ram Narain Pachranga Achar Factory-Panipat, (2) M/s Pachranga & Sons Corporation, Panipat and its workmen shown in Annexure-A, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

“Whether the workmen shown in the list enclosed as Annexure-A should be paid Retrenchment Compensation and Gratuity, or they should be employed in Pachranga and Sons Corporation, Panipat with continuity of service put in by them with M/s. Murlidhar-Ram Narain Pachranga Achar Factory, Panipat ? If so, with what details ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 13th May, 1977 :—

1. Whether the Engineering and Textile Workers' Union is a proper person to raise the demands and are authority for the same if not, to what effect ?
2. Whether the workmen mentioned in Annexure-A should be paid Retrenchment Compensation and Gratuity ?
3. Whether the workmen mentioned in Annexure A are entitled to employment in the factory of respondent No. 2 with continuity of service in case issue No. 2 is not proved in favour of the workmen ?

And the case was fixed for the evidence of the workmen. The workmen examined Shri Bal Krishan, as WW-1, Smt. Mansi Bai as WW-2, Smt. Viran Bai as WW-3, Smt. Parmeshwari Bai as WW-4, Smt. Shanti, as WW-5 and Shri Kuldip Singh as WW-6 and closed their case. Then the case was fixed for the evidence of the management. The management examined Shri M.L. Dhingra partner of the management No. 1 as MW-1. Then the case fixed for remaining evidence of the management. Several adjournments were obtained by the management. On 23rd June, 1979, a partner of respondent No. 2 gave a statement that the share of his father in respondent No. 1 was 28 paise per rupee whatever award was given or whatever settlement was arrived at, he shall pay to the extent of 28 paise per rupee to the workmen in whose favour award was given. The award includes the award based on settlement also. Thereafter negotiations for settlement started between the parties and the case was fixed for settlement on 17th July, 1979. On 17th July, 1979, it was again fixed for filing settlement on 10th August, 1979. During this period, the management sent a letter to the Tribunal for giving award in terms of the settlement and sending that settlement which had been arrived at and thereafter no dispute was left between the parties. In the application as well as in the settlement the parties provided that the dispute has been settled between them and the Tribunal would give award in terms of the settlement holding that the matter stands settled between the parties. I accept these settlement.

As per prayer of the parties in the settlement, I give my award that the dispute stands settled between the parties,—vide and in accordance with the settlement arrived at between them on 15th July, 1979 which is Ex. M-1 in this case, the parties shall abide by the settlement.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 800, dated the 29th August, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

Annexure-A

1. Shri Bal Kishan, son of Shri Wazir Chand.
2. Shrimati Mansi Bai, daughter of Shri Adhu Ram.
3. Shrimati Vira Bai, daughter of Shri Bhwani Dass.
4. Shrimati Parmeshwari Bai, daughter of Shri Kanshi Ram.
5. Shrimati Shanti, daughter of Shri Banshi Lal.